

REMARKS

Claims 1, 12, and 20 have been amended by incorporating Claim 8. Further the Claims have been amended by reciting the material to be polished as an express part of the body of the claims. Accordingly Claim 8 has been canceled. Support for the amendment of the claims is present in Claim 8, as previously presented. No new matter has been added. Applicant respectfully requests entry of the amendments and reconsideration of the present application in view of the amendments and following remarks.

Rejection on Ground of Nonstatutory Obviousness-type Double Patenting

Claims 1-4, 7, 8, and 10-21 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 of copending Application No. 10/598,717 either alone or in view of secondary references.

A terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) was filed on August 1st 2008, and approved. Applicant acknowledges the approval with appreciation, and request withdrawal of the rejections.

Claim Rejections – 35 USC §103

Claims 1, 7, and 15 have been rejected under 35 USC §103 as being unpatentable over Takashi et al. The limitation of Claim 8 has been incorporated into Claim 1. In the Advisory Action of August 20, 2008, the Examiner interpreted the limitation of Claim 8 as an intended use as the material being worked by the claimed invention was not recited in the claim. In order to address this objection, the Claims have been further amended by reciting the material to be polished as an express part of the body of the claims. Takashi does not disclose the ratio of length (D) to the diameter of the wafer which is now expressed part of the claim.

Moreover, evaluation results in the specification at Table-3 clearly show the criticality of the recited ratio of length D to the diameter of wafer as an object of polishing. Examples 6-9, whose ratios are 0.28, 0.49, 0.28, and 0.28 respectively, show good In-plate uniformity and Detection of film thickness. In contrast, Comparative Examples 3-5, whose ratios are 0.09, 0.15, and 0.25 respectively show poor results. Thus, the claimed invention clearly defines a critical

feature that produces an unexpected advantage. Therefore, Claim 1 as amended herein could not be rejected on this ground, as well as the dependent Claims 7 and 15. Applicant respectfully requests withdrawal of this rejection.

Claim Rejections – 35 USC §103

Claims 1 and 7 have been rejected under 35 USC §103 as being unpatentable over Hasegawa et al. Since Hasegawa does not disclose the ratio of length (D) to the diameter of wafer as an object of polishing. The same argument as above is applicable here. Applicant respectfully requests withdrawal of this rejection.

Claim Rejections – 35 USC §103

Claims 2-4 have been rejected under 35 USC §103 as being unpatentable over Toru. Toru does not disclose the ratio of length (D) to the diameter of the wafer as an object of polishing, and because of the dependency of the claims, the above amendment on Claim 1 obviates the rejection. Applicant respectfully requests withdrawal of this rejection.

Claim Rejections – 35 USC §103

Claims 14, 16, and 17 have been rejected under 35 USC §103 as being unpatentable over Toru and Kochiyama. Toru and Kochiyama do not disclose the ratio of length (D) to the diameter of wafer as an object of polishing, and also because of the dependency of the claims, the above amendment on Claim 1 obviates the rejection. Applicant respectfully request withdrawal of this rejection.

Claim Rejections – 35 USC §103

Claims 2-4, 12, and 20 have been rejected under 35 USC §103 as being unpatentable over Takahashi or Toru. The cited references do not disclose the ratio of length (D) to the diameter of the wafer as an object of polishing, and also because of the dependency of the claims, the

Application No.: 10/536,621
Filing Date: May 26, 2005

above amendment on Claim 1 obviates the rejection on Claims 2-4. Applicant respectfully request withdrawal of this rejection.

Claims 12 and 20 have been amended in the same manner as Claim 1. Thus, Claims 12 and 20 as amended herein could not be rejected on this ground. Applicant respectfully request withdrawal of this rejection.

CONCLUSION

In the light of the applicant's amendments to the claims and the following Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.


Application No.: 10/536,621
Filing Date: May 26, 2005

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 29, 2008

By: 
Daniel E. Altman
Registration No. 34,115
Attorney of Record
Customer No. 20,995
(949) 760-0404

5954003_1
092608